

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

EFFIE LOUISE HAYES,)
Plaintiff,) Case No. 1:12-CV-69
v.) Chief Judge Curtis L. Collier
COMMISSIONER OF SOCIAL SECURITY,)
et al.,)
Defendants.)

JUDGMENT ORDER

Before the Court is *pro se* Plaintiff Effie Louise Hayes’ (“Plaintiff”) application to proceed *In Forma Pauperis* (Court File No. 1). Pursuant to 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure, United States Magistrate Judge Susan K. Lee filed a report and recommendation recommending Plaintiff’s motion be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted (Court File No. 3). Judge Lee never reached the question of whether Plaintiff was indigent because she concluded Plaintiff failed to assert any facts or offer any legal theory upon which this Court could grant relief. Neither party objected to the report and recommendation within the given fourteen days.¹ Upon conducting an independent review of the record, this Court agrees with the magistrate judge’s report and recommendation (Court File No. 3) and similarly concludes Plaintiff has not made any legally cognizable claims for relief pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendation pursuant

¹ The original copy of the report and recommendation mailed to Plaintiff was returned to the Court as undeliverable on April 24, 2012. The Clerk's Office mailed Plaintiff a second copy of the report and recommendation on April 25, 2012, at a different address listed on the complaint. Plaintiff failed to respond within fourteen days of the second mailing.

to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72. The Court **ORDERS** that this case be **DISMISSED**.

As no further matters remain for adjudication, the Court **DIRECTS** the Clerk of Court to **CLOSE** the case.

SO ORDERED.

ENTER:

/s/

CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT